



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: June 1, 2014

Table A. Summary			
Application Summary			
Case Number	Z1400029	Jurisdiction	City
Applicant	Durham (Parkway) UY, LLC, Jonathan Gaines	Submittal Date	October 13, 2014
Reference Name	Parkway Plaza II	Site Acreage	14.74
Location	4215 University Drive, University Drive at Martin Luther King Jr Parkway		
PIN(s)	0810-14-25-2315		
Request			
Proposed Zoning	Commercial Center with a development plan (CC(D))	Proposal	200,000 square feet floor area
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Commercial, Suburban Transit Area		
Existing Zoning	Commercial Center (CC) – 1.67 acres, Commercial Center with a development plan (CC(D)) – 13.07 acres		
Existing Use	Shopping Center		
Overlay	None	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	New Hope Creek
Determination/Recommendation/Comments			
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances.		
Planning Commission	Approval, 11-0 on April 14, 2015. The Planning Commission finds that the ordinance request is consistent with the adopted <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.		
DOST	No comments		
BPAC	See Attachment 7		

## A. Summary

This is a request to change the zoning designation of one parcel of land totaling 14.74 acres from CC and CC(D) to CC(D) for a proposed nonresidential development of a

maximum of 200,000 square feet of floor area and would allow for the addition of a retail outparcel on the site. The site is located at 4215 University Drive, northeast corner of the intersection of University Drive at Martin Luther King Jr Parkway (see Attachment 1, Context Map). This request is consistent with the future land use designation of the *Comprehensive Plan* which designates this site as Commercial.

Appendix A provides supporting information.

## **B. Site History**

The site is presently developed as a shopping center. In October of 1994, Council approved a development plan (case P94-29) which allowed for the addition of a commercial outparcel at 1810 Martin Luther King, Jr. Parkway; this outparcel is oriented to the rear of the existing shopping center and was most recently used as a laundromat and cleaners. That development plan, P94-29, showed the existing buildings and proposed outparcels. The applicant has indicated interest in adding an additional outparcel to the development along University Drive which was not shown and therefore is not permitted under the P94-29 plan.

The subject application, Z1400029 does not include the entirety of the P94-29 plan (does not include the outparcel added with P94-29, north the existing bank building at the intersection) and does not specify location of outparcels on the site. The addition of an outparcel would be possible but is not a commitment of the development plan.

## **C. Review Requirements**

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of the City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

## **D. Unified Development Ordinance (UDO) Compliance**

This request is consistent with the requirements of the Unified Development Ordinance. The associated development plan (see Appendix A, Attachment 4, Development Plan reduction) provides the required elements for zoning map change requests in the CC district (Sec. 3.5.6.D, Sec. 6.11.5). In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

**Text Commitments.** Text commitments have been proffered to commit to requirements in excess of ordinance standards regarding peak hour trips, location of

buildings, park and ride spaces for the entirety of the site, pedestrian improvements (wheelchair ramps, striped crosswalk, and pedestrian signals) at the intersection of Westgate Drive and University Drive.

**Graphic Commitments.** Graphic commitments include the general location of site access points as well as tree replacement and preservation areas.

**Design Commitments.** Design Commitments are required of zoning requests that include a development plan for nonresidential projects. This request includes commitments that specify the committed design elements for any buildings developed on the site.

**Phasing Plan.** Development within Suburban Transit Areas requires a Phasing Plan as a component of the development plan. This project proposes two phases. Phase 1 consists of the existing buildings. Phase two will consist of future development and may consist of sub-phases.

**Determination.** The requested CC zoning district and associated development plan meets or exceeds the applicable requirements of the UDO.

If this zoning map change request is approved, the attached development plan (Appendix A, Attachment 4) establishes the level of development allowed on the property.

## E. Adopted Plans

A zoning map change request must be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

**Determination.** The requested zoning district and associated development plan is consistent with the Future Land Use Map and other policies of the *Comprehensive Plan*.

Conditions in other adopted plans have been identified (see Appendix E, Table E):

**Long Range Bicycle Plan Map 4.5.** A proposed bicycle lane along Martin Luther King, Jr. Parkway and a proposed greenway is shown along University Drive as recommendations of the Long Range Bicycle Plan Map 4.5. Transportation has not identified any roadway improvements required of this project. As such, the development does not warrant improvements associated with the proposed Long Range Bicycle Plan to be associated with the site. There is a greenway trail in the form of wide sidewalks which is an existing condition along both sides of Martin Luther King, Jr. Parkway.

## F. Site Conditions and Context

**Site Conditions.** The 14.74-acre site is comprised of one parcel; presently developed as a shopping center.

**Area Characteristics.** The site is in the Suburban Tier in close proximity to the NC 15-501 Highway which is a major arterial for local and regional traffic and part of an established regional commercial node which consists of a shopping center, retail services, fast food establishments, offices with multi-family residential also surrounding the site. The site is within a Suburban Transit Area (STA) within ½ mile from the proposed TTA corridor and rail station. The STA designates areas where development is encouraged to be supportive of transit and should be designed to be pedestrian-friendly. The surrounding zoning districts include Commercial Neighborhood with a development plan CC, OI, and RS-M.

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

**Determination.** The proposed CC(D) district meets the ordinance and policy requirements in relation to site and context. This application proposes to increase the development potential in an area designated for regional activity is a reasonable request given the surrounding uses.

## G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

**Determination.** The proposed CC district and associated development plan is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of road, transit, drainage/stormwater, and schools. The proposal is estimated to increase the traffic generation of the subject site by 1,396 daily trips, decrease the students generated from the proposed use by 34 students, and increase the estimated water demand of the site by 4,858 gallons per day. The existing infrastructure has available capacity to meet these increases.

## H. Staff Analysis

This request is consistent with the *Comprehensive Plan* and other policies and ordinances. If the requested CC(D) zoning designation were approved, the development plan would further establish the development potential of the site.

## I. Contacts

Table I. Contacts		
<b>Staff Contact</b>		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
<b>Applicant Contact</b>		
Agent: Blake Hall, Timmons Group	Ph: 919-866-4933	blake.hall@timmons.com

## J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress

## K. Summary of Planning Commission Meeting April 14, 2015 (Case Z1400029)

**Staff Report:** Ms. Wolff presented the staff report.

**Zoning Map Change Request:** CC – 1.67 acres, CC(D) – 13.07 acres to CC(D)

**Public Hearing:** Chair Harris opened the public hearing. One person spoke in support and no one spoke in opposition. Chair Harris closed the public hearing.

**Commission Discussion:** Commission discussion centered on modifications to commitments, proffered language for TTA Park & Ride.

**Motion:** To approve Z1400029 with revised language for Text Commitment #3 (Buzby, Huff 2<sup>nd</sup>)

**Action:** Motion carried, 11-0

**Findings:** The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

## L. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: <ol style="list-style-type: none"> <li>1. Context Map</li> <li>2. Future Land Use Map</li> <li>3. Aerial Photography</li> <li>4. Development Plan Reduction</li> <li>5. Application</li> <li>6. Submittal and Review History</li> <li>7. BPAC Comments</li> </ol>
Appendix B	Site History	N/A
Appendix C	Review Requirements	N/A
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements Table D3: Environmental Protection Table D4: Project Boundary Buffers Table D5: Summary of Development Plan
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	N/A
Appendix I	Contacts	N/A
Appendix J	Notification	N/A
Appendix K	Summary of Planning Commission Meeting	Attachments: <ol style="list-style-type: none"> <li>8. Planning Commissioner's Written Comments</li> <li>9. Ordinance Form</li> <li>10. Consistency Statement</li> </ol>

## Appendix A: Application Supporting Information

### Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Development Plan Reduction
5. Application
6. Submittal and Review History
7. BPAC Comments

## Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
<b>CC</b>	<b>Commercial Center (CC)</b> – the CC district is established to provide for orderly development of commercial services such as retail stores (of any size), hotels, and car washes. These services are to be developed in a unified setting on large parcels of land and should provide a wide range of retail and service activities that serve many neighborhoods. While CC is a commercial district, other uses such as residential and office may be allowed under limited provisions of the ordinance.
<b>D</b>	<b>Development Plan</b> – the letter “D” following a zoning district indicates that a development plan has been included with a zoning map change request. This designation may be added to any zoning map change request to signify that a conceptual representation of the proposed site has been submitted that indicates how the proposed development could meet ordinance standards. Any significant change to the development plan would require a new zoning petition.

Table D2. District Requirements – CC			
	Code Provision	Required	Committed
Minimum Site Area (acres)	6.11.5.B.1	4	14.74
Maximum Height (feet)	6.11.5.E.1	90	50
Minimum Street Yard (feet)	6.11.5.G.1	25	25
Minimum Side Yard (feet)	6.11.5.G.1	25	25
Minimum Rear Yard (feet)	6.11.5.G.1	25	25

Table D3. Environmental Protection			
Tree Coverage	8.3.1C	15% (2.08 acres)	15% (2.21 acres)

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	CC	0.2/0.4	0.4 (20 feet)
East	CC	0.2/0.4	0.4 (20 feet)
	RS-M	0.6/0.8	0.8 (50 feet)
South	CN(D)	N/A (right-of-way greater than 60 feet)	N/A
	CG(D)		
West	OI	0.4/0.6	0.6 (30 feet)
	OI	N/A (right-of-way greater than 60 feet)	N/A
	CC		

Table D5. Summary of Development Plan		
Components	Description	Development Plan Sheet
Required Information	<b>Intensity/Density.</b> 200,000 square feet maximum floor area.	Z-200
	<b>Building/Parking Envelope</b> has been appropriately identified.	Z-200
	<b>Project Boundary Buffers</b> are appropriately depicted.	Z-200
	<b>Stream Crossing.</b> None.	N/A
	<b>Access Points.</b> Nine (9) access points have been identified.	Z-200
	<b>Dedications and Reservations.</b> None.	N/A
	<b>Impervious Area.</b> 85% = 12.53 acres.	Z-200
	<b>Environmental Features.</b> None.	N/A
	<b>Areas for Preservation.</b> None.	N/A
	<b>Tree Coverage.</b> 15% = 2.21 acres.	Z-200

Table D5. Summary of Development Plan		
<b>Graphic Commitments</b>	Location of access points. Location of tree preservation and replacement areas. Location of building and parking envelope.	Z-200
<b>Text Commitments</b>	<ol style="list-style-type: none"> <li>1. Per the ITE Trip Generation manual 9<sup>th</sup> Edition, the existing 161,136 square foot shopping center generates approximately 204 AM peak-hour trips and 875 PM peak-hour trips. Per UDO Sections 3.5.12.A.12 and 3.3.1, the revised development plan will be limited to no more than 149 additional peak-hour trips beyond existing estimated trip generation.</li> <li>2. No buildings shall be placed within 5 feet of an existing sanitary sewer easement unless otherwise approved by the City of Durham Public Works.</li> <li>3. A minimum of 5% of the parking spaces will be designated for park and ride. The spaces will be located and designated in conformance with the standards of UDO Section 10.2.2.B. prior to the Certificate of Occupancy for the outparcel.</li> <li>4. Prior to a Certificate of Occupancy for 50,000 or more square feet of building area for new development or redevelopment, wheelchair ramps and a striped crosswalk on the south leg of the intersection of Westgate Drive and University Drive shall be provided complying with City of Durham and NCDOT Standards.</li> <li>5. Prior to a Certificate of Occupancy for 50,000 or more square feet of building area for new development or redevelopment, pedestrian signals on all four corners of the intersection of Westgate Drive and University Drive shall be provided complying with City of Durham and NCDOT standards.</li> </ol>	Cover
<b>SIA Commitments</b>	None provided	N/A
Table D5. Summary of Development Plan		
<b>Design Commitments</b> (summary)	<p><b>Architectural Style.</b> No established style.</p> <p><b>Rooflines.</b> Flat with parapet features of varying heights and configurations.</p> <p><b>Building Materials.</b> Two or more of the following: brick, stucco or synthetic stucco, cultured stone, fiber cement or metal panel.</p> <p><b>Distinctive Features.</b> Aluminum framed storefront entry window system.</p> <p><b>Context.</b> Development will not reference a specific building or design off site within the context area.</p>	Cover

## Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
<b>Future Land Use Map</b>	<p><b>Commercial:</b> Land used primarily for retail, entertainment, office, and services.</p> <p><b>Suburban Tier:</b> Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.</p> <p><b>Suburban Transit Area.</b> Encourage development supportive of transit.</p>
<b>2.3.1a</b>	<b>Contiguous Development:</b> Support orderly development patterns that take advantage of the existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Urban Growth Area.
<b>2.3.2a</b>	<b>Infrastructure Capacity.</b> Consider the impacts to the existing capacities of the transportation, water, and sewer systems, and other public facilities and services. Measure from the potential maximum impact of current policy or regulation to the potential maximum impact of the proposed change in policy or regulation.
<b>8.1.2j</b>	<b>Transportation Level of Service Maintenance:</b> Not recommend approval for any zoning map change which would result in the average daily trips exceeding 110% of the adopted level of service standards for any adjacent road, unless the impact on the adjacent roads is mitigated.
<b>8.1.4c and d</b>	<b>Development Review and the Adopted Bicycle Plans:</b> Review development proposals in relation to the 2006 Comprehensive Durham Bicycle Transportation Plan and the Bicycle Component of the most recent adopted Long Range Transportation Plan, and seek dedication or reservation of right-of-way or easements and construction of facilities in conformance with that Plan and Complete Street design standards.
<b>11.1.1a</b>	<b>School Level of Service Standard:</b> The level of service for public school facilities shall be established as a maximum enrollment of 110 percent of the system's maximum permanent building capacity, measured on a system-wide basis for each type of facility.
<b>11.1.1b</b>	<b>Adequate Schools Facilities:</b> Recommend denial of all Zoning Map amendments that proposed to allow an increase in projected student generation over that of the existing zoning that would cause schools of any type to exceed the level of service.

<b>Table E. Adopted Plans</b>
<b><i>Long Range Bicycle Plan</i></b>
Map 4-5 shows a proposed bicycle lane along Martin Luther King, Jr. Parkway and a proposed greenway along University Drive.

## Appendix F: Site Conditions and Context Supporting Information

<b>Table F. Site Context</b>			
	<b>Existing Uses</b>	<b>Zoning Districts</b>	<b>Overlays</b>
<b>North</b>	Retail	CC	None
<b>East</b>	Retail, multi-family	CC, RS-M	None
<b>South</b>	Bank, retail, office	CN(D), CG(D), OI(D)	None
<b>West</b>	Office, retail	OI, CC	None

## Appendix G: Infrastructure Supporting Information

<b>Table G1. Road Impacts</b>		
University Drive and Martin Luther King, Jr. Parkway are the major roads impacted by the proposed zoning change. There are no funded TIP projects in the study area. However, the proposed Durham-Orange Light Rail Transit project includes a proposed widening of University Drive to construct a station for the Durham-Orange Light Rail Transit in the center of University Drive at Martin Luther King, Jr. Parkway.		
<b>Affected Segments</b>	<b>Martin Luther King, Jr. Parkway</b>	<b>University Drive</b>
<b>Current Roadway Capacity (LOS D) (AADT)</b>	32,400	30,800
<b>Latest Traffic Volume (AADT)</b>	22,000	17,000
<b>Traffic Generated by Present Designation (average 24 hour)*</b>	9,260	
<b>Traffic Generated by Proposed Designation (average 24 hour)**</b>	10,656	
<b>Impact of Proposed Designation</b>	+1,396	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2012)

University Drive: 4-lane undivided city/county class II arterial roadway with left-turn lanes

Martin Luther King, Jr. Parkway: 4-lane divided city/county class II arterial roadway with left-turn lanes

Source of Latest Traffic Volume: 2013 NCDOT Traffic Count Map

\*Assumption- (Max Use of Existing Zoning) – 161,136 sf retail

\*\*Assumption- (Max Use of Existing Zoning) – 200,000 sf retail

<b>Table G2. Transit Impacts</b>
Transit service is provided adjacent to the site along University Drive via DATA Routes 10 and 10A.

<b>Table G3. Utility Impacts</b>
This site is served by City water and sewer.

<b>Table G4. Drainage/Stormwater Impacts</b>
The impacts of any change will be assessed at the time of site plan review. The subject site is of sufficient size and shape to accommodate appropriate stormwater facilities that may be required at this time.

<b>Table G5. School Impacts</b>			
The proposed zoning is not estimated to generate any students; residential would not be permitted if this request is approved. This represents a decrease of thirty four students from the existing zoning. Durham Public Schools serving the site are Hope Valley Elementary School, Githens Middle School, and Jordan High School.			
<b>Students</b>	<b>Elementary School</b>	<b>Middle School</b>	<b>High School</b>
<b>Current Building Capacity</b>	16,794	7,760	10,259
<b>Maximum Building Capacity (110% of Building Capacity)</b>	18,473	8,536	11,258
<b>20<sup>th</sup> Day Attendance (2014-15 School Year)</b>	16,545	7,465	10,074
<b>Committed to Date (October 2011 – September 2014)</b>	68	19	-35
<b>Available Capacity</b>	1,860	1,052	1,246
<b>Potential Students Generated – Current Zoning *</b>	20	7	7
<b>Potential Students Generated – Proposed Zoning **</b>	0	0	0
<b>Impact of Proposed Zoning</b>	-20	-7	-7

\*Assumption- (Max Use of Existing Zoning) – CC (no development plan): allows a maximum of 11 DU/Ac., or 162 apartments

\*\*Assumption- (Max Use of Existing Zoning) – CC(D): no residential identified on the development plan, thus no residential would be permitted

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 25,000 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 4,858 GPD over the existing zoning district.	
<b>Current Water Supply Capacity</b>	37.00 MGD
<b>Present Usage</b>	27.17 MGD
<b>Approved Zoning Map Changes (October 2011 – September 2014)</b>	0.13 MGD
<b>Available Capacity</b>	9.70 MGD
<b>Estimated Water Demand Under Present Zoning*</b>	20,142 GPD
<b>Potential Water Demand Under Proposed Zoning**</b>	25,000 GPD
<b>Potential Impact of Zoning Map Change</b>	+4,858

Notes: MGD = Million gallons per day

\*Assumption- (Max Use of Existing Zoning) – 161,136 sf retail

\*\*Assumption- (Max Use of Existing Zoning) – 200,000 sf retail

## Appendix K: Summary of Planning Commission Meeting

Attachments:

8. Planning Commissioner's Written Comments
9. Ordinance Form
10. Consistency Statement